THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 11645 of 2004

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Dated: 5.9.2005

Between

Yeluri Nageswara Rao

..Petitioner

and

1.Government of A.P. rep., by its Secretary Tribal Welfare Department, Secretariat, Hyderabad

and others.

..Respondents.

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11645 of 2004

ORDER:

When the vacate stay petition filed by the respondents is listed for consideration, with the consent of learned counsel for both the parties, the main writ petition is heard and disposed of.

The main writ petition is filed questioning the order dated 26.4.2003 passed by

the 3rd respondent-Special Deputy Collector, Rampachodavaram, under Section 3 (2) (a) of APSA Land Transfer Regulation 1/59, as amended by 1/70, directing ejection of the writ petitioner from the land in question .

This Court, while directing Rule Nisi, by order dated 15.07.2004, granted interim stay of dispossession of the petitioner from the land in question. It is not in dispute that by virtue of the said order, the writ petitioner is being continued in the land in question.

Heard the learned Counsel for both the parties.

The learned Government Pleader appearing for the respondents raised a preliminary objection as to the maintainability of the writ petition stating that against the impugned order dated 26.4.2003, an alternative remedy is available under the statute and without exhausting the said remedy, the petitioner cannot maintain the writ petition.

The learned Counsel for the petitioner does not dispute the fact that an efficacious remedy is available under the Statute by way of appeal to the Additional Agent to the Government, Rampachodavaram. Hence, I deem it appropriate to dispose of the writ petition, granting liberty to the writ petitioner to prefer an appeal against the impugned order within a period of four weeks from today. It is made clear that if any such appeal is filed within the specified time, the same shall be considered and appropriate orders be passed in accordance with law, as expeditiously as possible, preferably within a period of three months thereafter . Till such appeal is decided, the order dated 26.4.2003 shall not be given effect to.

The writ petition is accordingly disposed of. There shall be no order as to costs.

05.09.2005

Note:

Issue CC in three days.

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